

REMARKS/ARGUMENTS

In the Office Action mailed October 9, 2007, claims 1-16 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. For reference, claim 9 is amended to correct the grammar of the claim. No claims are added or canceled.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1, 2, 6, 7, 11, 12, and 16 were rejected under 35 U.S.C. 102(e) as being anticipated by Armstrong et al. (U.S. Pat. No. 7,253,717, hereinafter Armstrong). Additionally, claims 3, 4, 8, 9, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of MacLellan et al. (U.S. Pat. No. 5,929,779, hereinafter MacLellan). Additionally, claims 5, 10, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of MacLellan and further in view of Voegele (U.S. Pat. No. 6,725,014, hereinafter Voegele). However, Applicant respectfully submits that these claims are patentable over Armstrong, MacLellan, and Voegele at least for the reasons provided below.

Independent Claim 1

Claim 1 recites “sending a time-slot progressing information, for progressing from the current time slot to the time slot following next in line, from the reader station to the data carriers, characterized in that the time-slot progressing information comprises a time-slot characterizing information, which identifies one of the N time slots, and which is evaluated by the data carriers in order to establish the current time slot in each case” (emphasis added).

In contrast, Armstrong does not disclose time-slot characterizing information, as recited in the claim. In regard to claim 1, the Office Action fails to assert that Armstrong might disclose the indicated limitation. Hence, the Office Action does not establish a *prima facie* rejection of claim 1 because the Office Action does not show how the cited reference might disclose all of the limitations of the claim. Accordingly, Applicant respectfully submits that the rejection of claim 1 is improper because the Office Action does not establish a *prima facie* rejection.

Moreover, Armstrong does not disclose time-slot characterizing information which identifies a time slot, as recited in the claim. While Armstrong does mention time slots, generally, Armstrong does not appear to describe any information or data which identifies a particular time slot. Armstrong merely describes using a predetermined number of time slots for transmission. Armstrong, col. 5, lines 46-52. Armstrong also explains that the internally generated random number in each transponder is used to select a TDMA time slot for transmission. Armstrong, col. 11, lines 23-28. However, these descriptions in Armstrong do not provide any support for the assertion in the Office Action Armstrong purportedly discloses time-slot characterizing information which identifies the time slot, as recited in claim. Armstrong merely uses that random number to select a time slot for transmission, but does not describe the random number as actually identifying a time slot for transmission.

Furthermore, even if the internally generated random number were considered information to identify a time slot, Armstrong nevertheless does not disclose sending time-slot progressing information or time-slot characterizing information from a reader station to data carriers. Armstrong merely describes generating random numbers at the transponders, but not at the host computer. More specifically, Armstrong does not disclose sending the random number from the host computer to the transponder (because it is generated at the transponder). Therefore, Armstrong does not describe sending the random number from a reader station to data carrier, as recited in the claim.

Additionally, although the Office Action does not address the time-slot characterizing information as it relates to claim 1, the Office Action states in the rejection of claim 7 that the new Opp_cost value described in Armstrong is purportedly equivalent to a time-slot progressing information (which includes the time-slot characterizing information) recited in the claim. However, the Opp_cost value of Armstrong is merely a control variable which is set to a predetermined value for comparison with random numbers generated by the transponders. Armstrong, col. 13, lines 9-16. Armstrong does not describe the Opp_cost value as being related in any way to time slots. Therefore, the Opp_cost value does not identify a time slot.

For at least these reasons, Applicant submits that Armstrong does not disclose all of the limitations of the claim because Armstrong does not disclose time-slot

characterizing information which identifies a time slot, as recited in claim. Accordingly, Applicant respectfully submits that claim 1 is patentable over Armstrong because Armstrong does not disclose all of the limitations of the claim.

Independent Claim 7

Applicant respectfully asserts independent claim 7 is patentable over Armstrong for at least some of the reasons stated above in regard to the rejection of independent claim 1. In particular, claim 7 recites “sending means to send the response information to the reader station, characterized in that the time-slot progressing information comprises a time-slot characterizing information, which identifies one of the N time slots, and that the time-slot definition means are designed to evaluate the time-slot characterizing information in order to determine the current time slot in each case” (emphasis added).

Here, although the language of claim 7 differs from the language of claim 1, and the scope of claim 7 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 7. Accordingly, Applicant respectfully asserts claim 7 is patentable over Armstrong because Armstrong does not disclose time-slot characterizing information, as recited in the claim.

Independent Claim 11

Applicant respectfully asserts independent claim 11 is patentable over Armstrong for at least some of the reasons stated above in regard to the rejection of independent claim 1. In particular, claim 11 recites “time-slot evaluation means to evaluate the response information received from the data carriers in the particular time slot characterized in that the reader station is designed to send a time-slot progressing information comprising a time-slot characterizing information, wherein the time-slot characterizing information identifies one of the N time slots, and is evaluated by the data carriers in order to establish the current time slot in each case” (emphasis added).

Here, although the language of claim 11 differs from the language of claim 1, and the scope of claim 11 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1

also apply to the rejection of claim 11. Accordingly, Applicant respectfully asserts claim 11 is patentable over Armstrong because Armstrong does not disclose time-slot characterizing information, as recited in the claim.

Dependent Claims

Claims 2-6, 8-10, and 12-16 depend from and incorporate all of the limitations of the corresponding independent claims 1, 7, and 11. Applicant respectfully asserts claims 2-6, 8-10, and 12-16 are allowable based on allowable base claims. Additionally, each of claims 2-6, 8-10, and 12-16 may be allowable for further reasons.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

Date: January 9, 2008

Mark A. Wilson
Reg. No. 43,994

Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95132
Phone: (925) 249-1300
Fax: (925) 249-0111